

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

LEONARD KAPEA,) CIVIL NO. CV13-00416 KSC
)
Plaintiff,) DECLARATION OF MARK S.
) HAMILTON
vs.)
)
YOUNG BROTHERS, LIMITED,)
)
Defendant.)
)
)

DECLARATION OF MARK S. HAMILTON

I, **MARK S. HAMILTON**, hereby affirm and declare as follows:

1. I am an attorney licensed to practice law before all courts in the State of Hawaii and am one of the attorneys representing Defendant YOUNG BROTHERS, LIMITED (“Defendant”) in this case.
2. I have personal knowledge of the matters set forth herein and am competent to testify thereto in a court of law.
3. Exhibit “A” is a true and correct copy of Plaintiff’s Response to Defendant’s First Request for Answers to Interrogatories and for the Production of Documents.

4. Plaintiff admitted several responses to Defendant's First Request for Answers to Interrogatories and for the Production of Documents were incomplete and he promised to supplement his responses.

5. Plaintiff has not supplemented his responses.

6. Exhibit "B" is a true and correct copy of the October 6, 2014 email to Plaintiff forwarding the August 7, 2014 email and letter sent Plaintiff demanding Plaintiff supplement his incomplete and evasive Response to Defendant's First Request for Answers to Interrogatories and for the Production of Documents and Things. Defendant received no response to the August 7, 2014 letter. The October 6, 2014 email gives Plaintiff 10 days to respond before Defendant files a motion to compel.

7. On October 8, 2014, Defendant received a phone call from Levi Plessset of the Law Offices of Preston Easley requesting Defendant refrain from filing a motion to compel because Plaintiff would produce the documents and information shortly.

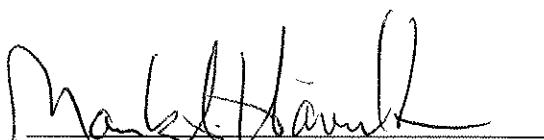
8. Plaintiff has repeatedly promised but has not supplemented his responses to Defendant's First Request for Answers to Interrogatories and for the Production of Documents.

9. Exhibit "C" is a true and correct copy of Defendant's Second Request for Answers to Interrogatories and for the Production of Documents and Things to Plaintiff.

10. Plaintiff has not responded to Defendant's Second Request for Answers to Interrogatories and for the Production of Documents and Things to Plaintiff.

I hereby declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge and belief.

DATED: Honolulu, Hawaii, November 19, 2014.



MARK S. HAMILTON